

REMARKS

As noted by the Examiner, Claims 4 and 13, 14 and 21-57 are currently pending.

In the Office Action, Claim 38 was objected to under 37 CFR 1.75 as being a substantial duplicate of Claim 33. Applicant respectfully disagrees and requests reconsideration. Claim 33 is directed to a polystyrene composition which includes a white oil as a plasticizer. Claim 37 is directed to a polystyrene composition or styrene copolymer composition which includes a white oil as a plasticizer. Accordingly, while the white oil is defined the same in each claim, the scope of the claims themselves is different. As set forth in MPEP 76.03 (k) a mere difference in scope between claims has been held to be enough to satisfy patentability of both claims.

Claim 47 was objected to under 37 CFR 1.75 as being a substantial duplicate of Claim 31. Claim 47 differs in scope from Claim 31 in the same way that Claim 38 differs in scope from Claim 33. Accordingly, Applicant respectfully submits that this claim is also patentable.

Claims 30, 32, 34 and 36 were rejected under 35 USC 112, second paragraph, as being indefinite. In particular, the Examiner objected to the use of the term "clear." The term "clear polystyrene molding material" is defined in paragraph [0007] in the specification. Applicant submits that it is a term well known to those of skill in the art as evidenced by the reference to Ullmann's Encyclopedia. A copy of that reference was cited in the Information Disclosure Statement filed on July 17, 2003 in this case. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

In the Office Action, Claim 29 was rejected under 35 USC 103(a) as being unpatentable over Migchels et al. As noted by the Examiner, Migchels et al discloses oil gel compositions comprising copolymers of polystyrene. Further, the oil component may be an oil prepared by Fischer-Tropsch synthesis. As set forth in column 2, lines 34-35 of Migchels, the oils are preferably in the range of from 54 to 97% by weight. In the Examples, the oils comprised 90% or more by weight. The polystyrene copolymers form a minor portion of the composition.

The present invention as defined by Claim 29, is directed to a polystyrene composition in which a white oil is used as a plasticizer. The white oil, which comprises a Fischer-Tropsch derived oil, thus, only forms a minor portion of the composition. As set forth in paragraph [0008] of the specification, the content of

plasticizer in the polystyrene composition usually is within the range of 0.1 to 10 weight percent, and more preferably, from 2 to 5 weight percent.

Accordingly, Applicant respectfully submits that while Migchels may suggest a composition which includes polystyrene and a Fischer-Tropsch derived oil, it does not disclose nor suggest a polystyrene composition in which the Fischer-Tropsch derived oil is used as a plasticizer. The compositions disclosed in the present application are entirely different and have entirely different uses than the compositions disclosed in the Migchels reference. Accordingly, Applicant respectfully submits that Claim 29 is patentable over this reference.

Claims 29, 31 and 47-49 were rejected under 35 USC 103(a) as being unpatentable over Migchels et al in view of O'Rear. Applicant respectfully submits that these claims are allowable for the same reasons as discussed above with respect to the Migchels reference alone.

In the Office Action, Claims 29 and 35 were rejected under 35 USC 103(a) as being unpatentable over Gapinski. Gapinski is directed to a hydrolytic fluid comprising a lubricating oil and two viscosity modifiers. One of the viscosity modifiers can include a styrene/maleic anhydride copolymer. As set forth in paragraph [0028] of the specification, the lubricating oil generally comprises 70 to 93% by weight. Accordingly, the viscosity modifiers, which can include styrene, only comprise a minor portion of the composition.

As discussed above, the present invention is directed to a styrene composition in which a Fischer-Tropsch derived oil is used as a plasticizer in a minor amount. Accordingly, Applicant respectfully submits that Gapinski neither discloses nor suggests such a composition. Rather, Gapinski discloses the inverse, where styrene is used to modify a lubricating oil.

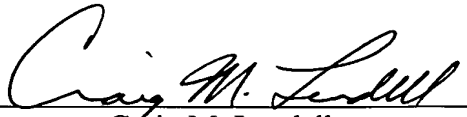
While Gapinski does teach in paragraph [0050] that the component can be in the form of a fully formulated lubricant or in the form of a concentrate containing a smaller amount of lubricating oil, this does not change the basic teachings of the applications which are directed to a lubricating oil and not to a polystyrene composition.

In view of the foregoing, Applicant respectfully submits that all of the claims are in condition for allowance and favorable consideration by the Examiner is requested. Should the Examiner find any impediments to the allowance of the claims,

which can be corrected by telephone interview, the Examiner is requested to initiate such an interview with the undersigned.

Respectfully submitted,

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